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England. - Parliament [Bills. - I George II.]

Read 10 Feb

1755

Enacted 28 Geo II

Public Acts, c. 45

An Act

A BILL for Widening and Repairing the Road leading from Horsham, in the County of Suffex, through Capel, Dorking, Mickleham, and Leatherhead, to the Watch-house in Ebbisham, in the County of Surry; and from Capel to Stone-Street, in the Parish of Ockley, in the said County of Surry.



Pereas the Roads leading from the Market-House in the Borough of *Horsham*, through *Warnham*, in the County of *Suffex*, through *Capel*, *Dorking*, *Mickleham*, and *Leatherhead*, to the Watch-house in the Town of *Ebbisham*, in the County of *Surry*, and from *Capel* to *Stone-Street*, in the Parish of *Ockley*, in the said County of *Surry*, by reason of the Soil thereof, and of the many heavy Carriages frequently passing the same, are become so ruinous and bad, that, in the Winter-Season, some Parts thereof are almost impassable for any manner of Carriages, and very dangerous for loaded Horses and Travellers, and, in many Parts, so narrow, as to render the same very uncommodious and dangerous to Passengers; and, in regard the said Roads cannot be amended and kept in Repair by the ordinary Course appointed by Law;

May it therefore please Your MAJESTY,

That it may be Enacted; And be it Enacted, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That

Commissioners,



shall be, and are hereby nominated and appointed, Trustees for the surveying, ordering, amending, widening, and keeping in Repair, the said Roads, and for putting in Execution all the Powers by this Act given: And that they, and the Survivors of them, or any *Seven* or more of them, or such Person or Persons as they, or any *Seven* or more of them, shall direct or appoint, shall and may, and they are hereby authorized and empowered to erect and set up *One* or more Turnpike or Turnpikes, Toll-gates, and Toll-houses, in, upon, or cross, that Part of the said Road between *Horsham* and *Dorking* aforesaid; and to receive and take, be-

fore any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Hearse, Litter, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Mule, Ass, or any Sort of Cattle, shall be permitted to pass through the said Turnpike or Turnpikes, Toll-gate or Toll-gates, the several Tolls and Duties following; that is to say, *For every Coach, Chariot, Landau, Berlin, Hearse, Chaise or Calash drawn by six or more Horses Mares Geldings or Mules the sum of 12 b.* ^{Tolls, between Horsham and Dorking.} and drawn by four Horses Mares Geldings or Mules the sum of One Shilling and drawn by two Horses Mares Geldings or Mules or One Horse Mare Gelding or Mule the sum of Six Pence — and for every Waggon Wain Cart or other Carriage the sum of One Shilling and for every Horse Mare Gelding Mule or Ass laden or unladen and not Drawing the sum of Two Pence and for every Drive of Oxen or other Neat Cattle the sum of ten pence ^{Score} and so in proportion for every greater or lesser Number and for every Drive of Calves Sheep Lambs or Swine the sum of five pence ^{Score} and so in proportion for ~~any~~ ^{any} greater or lesser Number —

and also to erect and set up *One* or more Turnpike or Turnpikes, Toll-house or Toll-houses, in, upon, or cross, that Part of the said Roads between Dorking and Ebbisham aforesaid; and to receive and take, before any Coach, Berlin, Landau, Calash, Chaise, Chair, Hearse, Litter, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Mule, Ass, or any Sort of Cattle, shall be permitted to pass through any the Turnpike or Turnpikes, Toll-gate or Toll-gates, to be erected or set up between Dorking and Ebbisham aforesaid, the several Tolls and Duties following; that is to say, *for every Coach, Chariot, Landau, Berlin Hearse, Chaise or Calash drawn by six or more Horses Mares Geldings or Mules the sum of Nine Pence and drawn by four Horses Mares Geldings or Mules the sum of Six Pence and drawn by two Horses Mares Geldings or Mules or One Horse Mare Gelding or Mule the sum of three pence for every Waggon Wain Cart or other Carriage the sum of Six Pence and for every Horse Mare Gelding Mule or Ass laden or unladen and not Drawing the sum of One Penny and for every Drive of Oxen or other Neat Cattle the sum of five pence* ^{Tolls between Dorking and Ebbisham.}

Hears

*Score and so in proportion for every greater or lesse
Number and for every Drove of Calves Sheep Lambs or some
the sum of Two pence half penny Score and so in
proportion for any greater or lesse Number*

Tolls how to be
levied and applied.

Which said several and respective Sums of Money shall be demanded and taken in the Name of and as a Toll or Duty, Tolls or Duties; and the Money so to be raised and collected, shall be, and is hereby, vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied to, and disposed of, or assigned, in manner following; that is to say, in the first place, for the paying and defraying the Charges and Expences of procuring and obtaining this Act; and afterwards for the making, amending, and keeping in Repair, the Roads hereby intended to be made and repaired, and to and for the several other Uses, Intents, and Purposes, and in such manner as is herein after declared and directed: And the said Trustees, or any *three* or more of them, are hereby empowered by themselves, or by any Person or Persons, by them, or any *three* or more of them, under their Hands and Seals thereunto authorized, to *levy* the Tolls or Duties hereby required to be paid, upon any Person or Persons who shall, after Demand thereof made, refuse or neglect to pay the same, by *Duties* of any Horse or other Cattle, or Goods, upon which such Toll or Duty is by this Act imposed, or upon any other of the Goods and Chattels of such Person or Persons so neglecting or refusing to pay the same; and the Cattle or Goods so *Detained to Detain and keep* until such Tolls and Duties, with the reasonable Charges of such distraining, detaining, and keeping, shall be paid; and such Person or Persons so distraining, after the Space of *four* Days after such Distress made and taken, shall and may *sell* the Goods so distrained, returning the Overplus, if any there be, upon Demand, to the Owner thereof, after such Tolls, Duties, and reasonable Charges for distraining, detaining, keeping, and selling, the same, shall be deducted and paid.

Power to erect
Side-gates.

And be it Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any *seven* or more of them, to cause to be erected One or more Turnpike or Turnpikes on the Side or Sides of the Roads hereby intended to be repaired, and upon, in, near unto, or across, any Lane or Byeway that doth or shall lead into or out of any Part of the said Road; and at such Turnpike or Turnpikes to receive and take such Tolls as are by this Act granted and made payable at any Turnpike by virtue thereof, so as the same do not extend to a double Charge upon any Persons passing through any other of the Turnpikes erected by virtue of this Act.

Penalty on going
through private
Grounds.

And be it further Enacted, by the Authority aforesaid, That if any Person or Persons owning or occupying any Land near to any of the Turnpikes, Toll-gates, or Side-bars, to be erected by virtue of this Act, shall, during the Continuance of this Act, permit any Person or Persons to pass through such Land with any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Hearse, or Litter, Waggon, Wain, Cart, Carriage, Horse, Ass, Mule, or any Sort of Cattle; or if any Person or Persons shall

shall pass through such Land with any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Hearse, or Litter, Waggon, Wain, Cart, Carriage, Horse, Ass, Mule, or any Sort of Cattle, with or without such Permission, as aforesaid; or if any Person or Persons shall at any time unload or cause to be unloaded any Sort of Goods or Merchandise, or take off, or cause to be taken off, any ~~Horse~~ or Horses from any Coach, Chariot, Berlin, Landau, Chaise, Calash, Chair, Hearse, or Litter, or any Horse or Horses, Ox or Oxen, or other Beasts of Draught, from any Waggon, Wain, Cart, or other Carriage, at or before the same shall come to any of the Gates or Turnpikes to be erected by virtue of this Act, with an Intent to avoid paying any of the Tolls or Duties hereby imposed, or shall conceal or secret any Goods or other Things chargeable with any of the Tolls aforesaid, or shall put or leave in any House or Place any Coach, Chariot, Berlin, Landau, Chaise, Chair, Waggon, Wain, Cart, or any other Carriage, Horse, Gelding, Mare, or any other Cattle, chargeable with or liable to pay the said Tolls or Duties with such Intent as aforesaid, each and every Person and Persons so offending in any of the Cases aforesaid, and being thereof convicted upon Oath, by the Testimony of *One* or more credible Witnesses or Witnesses, before the said Trustees, or any *three* or more of them; which Oath the said Trustees, or any *three* or more of them, are hereby impowered to administer, or before One or more Justice or Justices of the Peace for the County in which such Offence shall be committed (which Oath the said Justice or Justices is and are hereby also impowered to administer) shall, for every such Offence, respectively *forfeit and pay* to the said Trustees hereby authorized to put this Act in Execution, or to their Treasurer for the Time being, the Sum of *Twenty Shillings* which Sum, in case the same be not forthwith paid, shall be *levied by Distress and Sale* of the Offender's Goods, by Warrant, under the Hand and Seal, or Hands and Seals, of the said Trustees, or any *three* or more of them, or of the said Justice or Justices, rendering the Overplus to the Owner, on Demand, after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Trustees, or any *three* or more of them, or by the said Justice or Justices.

How

And be it further Enacted, by the Authority aforesaid, That the said Trustees, ^{Trustees to appoint Officers,} or any *seven* or more of them, present at their First, or any succeeding Meeting, by any Writing, under their Hands and Seals, shall and may choose and appoint One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of the Tolls and Duties aforesaid; and also shall and may, in like manner, choose and appoint One or more fit Person or Persons to be Surveyor or Surveyors, to view the Condition of the said Roads, and to see that the same are repaired, and also that the Money raised by this Act be duly applied; and, from time to time, to remove such Clerks, Treasurers, Collectors, Receivers, and Surveyors, or any of them, as they shall see Occasion, and to appoint new ones, in case of Death, or such Removal; and such Person or Persons as is and are hereby made liable to pay the said Tolls or Duties, shall pay the same, after the Rates aforesaid, to such Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, as shall, from time to time, be appointed for that Purpose: And that the Person or Persons so appointed to collect and receive the said Tolls or Duties, and also such Surveyor or Surveyors, so appointed as aforesaid, shall, upon Oath, or being of the People called *Quakers*, upon their solemn Affirmation, if thereunto required by the said Trustees, or any *three* or more of them, or before One or more Justice or Justices of the Peace residing near to the said Roads (which Oath or Affirmation the said Trustees, or any *three* or more of them, or the said Justice or Justices, is and are hereby impowered and required to administer); on the First *Monday* in every Month, or oftener if required, during the Continuance of this Act, give in a true, exact, and perfect Account, in Writing, under their respective Hands, of all Monies which he and they and every or any of them shall to *that* ^{just} time

Officers not accounting and paying, to be punished.

time have received, paid, and disbursed, by virtue of this Act, or by reason of their respective Offices (for which Oath no Fee or Reward shall be taken, and the same may be taken in Writing, without any Stamp thereupon); and in case any Money, so received, shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any *three* or more of them, or to such Person or Persons as they, or any *three* or more of them, shall, by any Writing or Writings, under their Hands, authorize and impower to receive the same; and shall be disbursed and laid out in amending the said Roads, according to the true Meaning of this Act, and not otherwise: And the said Trustees, or any *three* or more of them, shall and may, out of the Money arising by the said Tolls and Duties, make such Allowance to the Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, and the Surveyor or Surveyors, and other Officers, by the said Trustees, or any *three* or more of them, so appointed, as aforesaid, for and in Consideration of his and their Care and Pains respectively taken in the Execution of his and their respective Office or Offices, and to such other Person or Persons as have been or shall be assisting in and about procuring the said Roads to be amended and repaired, as to the said Trustees, or any *three* or more of them, shall seem meet: And in case the said Receiver or Receivers, Collector or Collectors, of the aforesaid Tolls and Duties, so to be paid as aforesaid, or the Surveyor or Surveyors, or any of them, shall not give and make such Account or Payment as the said Trustees, or any *three* or more of them, shall order and direct, that then any Two or more Justices of the Peace, at any Special Sessions, or monthly Meeting of them, to be holden for the County where such Receiver, Collector, or Surveyor, shall inhabit and dwell, who shall refuse to give and make such Account or Payment, as aforesaid, shall make Inquiry of or concerning such Default, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses, upon Oath (which Oath the said Justices are hereby impowered and required to administer, without Fee or Reward); and if any Person or Persons shall be thereof convicted by such Justices, they shall, upon such Conviction, *commit* — the Party to the common Gaol of the County where the Offence shall be committed; there to remain, without Bail or Mainprize, until he, she, or they, shall have made a true and perfect Account and Payment, as aforesaid, or until he, she, or they, shall have compounded and agreed with the said Trustees for the same, and have paid such Composition-money; which Composition the said Trustees, or any *three* or more of them, are hereby authorized and impowered to make: And such Receiver, Collector, or other Person, so to be committed for not accounting, or for not paying over the Monies in his, her, or their Hands shall remain and continue under such Commitment, and shall not be discharged or admitted to Bail, upon his, her, or their, accounting, as aforesaid, until he, she, or they, also shall pay over the Money which, on such Account or Composition as aforesaid, shall appear to be due, unto such Person or Persons as the said Trustees, or any *seven* or *more* of them, shall appoint to receive the same.

Trustees to take Security of Officers.

And be it further Enacted, by the Authority aforesaid, That the said Trustees, or any *seven* or more of them, shall, and they are hereby required to take such Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, to be appointed for the Purposes of this present Act, for the due Execution of their said Offices, as to the said Trustees, or any *seven* or more of them, shall seem meet; and that the said Trustees, or any *seven* or more of them, shall and may, by Writing under their Hands, from time to time, appoint such Receivers and Collectors as they shall think fit; and which Treasurers, Receivers, and Collectors, the said Trustees, or any *seven* or more of them, may, at any time, discharge from his, her, or their Office or Offices.

And

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, to dig, gather, and carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any River or Brook, or out of or from the Waste or Common of or in any Parish, Town, Village, or Hamlet, in the said several Counties, proper and convenient for repairing and amending of the Roads aforesaid; and, for want of sufficient Gravel, Furze, Heath, Sand, Stones, or other Materials, then to dig, gather, take, and carry away the same, in and out of any River, Brook, Waste, or Common, of any neighbouring Parish, Town, Village, or Hamlet, in any other County or Counties, without paying any thing for the same; such Surveyor or Surveyors levelling, or causing to be levelled, all such Holes and Pits where any such Materials, as aforesaid, shall be digged, gathered, or taken, and from whence the same shall be carried away; and where there is not sufficient of such Materials in any such Rivers, Brooks, Commons, or Waste Grounds, as aforesaid, it shall and may be lawful for such Surveyor or Surveyors (by Order of the said Trustees, or any *few* or more of them) to dig and gather such Materials in, and carry the same out of, the several Grounds of any Person or Persons (not being the Ground whereon any Houses stand, or a Garden, Orchard, Yard, or Park, Paddock, planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of Ground set apart or used as a Plantation or Nursery for Trees) where such Materials are or may be found, and, from time to time, to carry away the same, or so much thereof as the said Surveyor or Surveyors shall judge necessary, for repairing and amending the Roads aforesaid; paying such Rates for such Materials, and for the Damage done to the Owners and Occupiers respectively of the Grounds where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried; as also for the Damage done to the Owners and Occupiers of private Grounds over which such Materials gotten in any River, Brook, or Waste Ground, shall be carried, as the said Trustees appointed, or to be appointed, for repairing the said Roads, or any *few* or more of them, shall adjudge reasonable; and in case of any Difference concerning the same, between such Owners or Occupiers and the said Trustees, touching such Damages, as aforesaid, the Justices of the Peace, at their next General Quarter-Sessions to be holden in and for such County wherein the Place from whence such Materials shall have been taken or carried, or the major Part of them then present, shall and may adjudge, assess, and finally determine the same.

Surveyors to get
Materials out of
Rivers, Brooks,
or Commons.

Without paying
for them.
Levelling the
Holes.

Or out of private
Grounds;

Paying for the
Damage.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (by the Direction of the said Trustees, or any *three* or more of them, under their Hands), from time to time, to remove and prevent all Annoyances on or in any Part of the Roads aforesaid, by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains, running into, along, or out of, the said Roads, to the Prejudice thereof, and to cleanse, open, scour, drain, deepen, or enlarge, any Ditch or Watercourse adjoining to the said Roads, and to cut down, lop, or top any Trees or Bushes (Timber-Trees excepted) growing in the said Roads, or in the Hedges or Banks adjacent thereto, and to take and carry away the same (the Owners or Occupiers of the Premises where such Annoyances, as aforesaid, shall happen to be, neglecting to remove the same) and to cut down such Trees (except as before excepted) or Bushes, or to remove such other Annoyances, for the Space of *ten* Days next after Notice, in Writing, given for that Purpose, under the Hands of the said Trustees, or any *three* or more of them, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such other Annoyances, as aforesaid; and shall and may, in case of Refusal, be *levied by Distress* — of the Goods and Chattels of such Owners or Occupiers, by Warrant, under the Hands

To remove An-
noyances.

Hands and Seals of the said Trustees, or any *three* or more of them, or under the Hand and Seal or Hands and Seals of *One* or more Justice or Justices of the Peace for the County wherein that Part of the Roads shall lie, rendering the Overplus (if any, after all Charges paid; such Charges to be settled by the said Trustees, or any *three* or more of them, or by the said Justice or Justices); and if, after Removal of any of the said Annoyances, any Person or Persons shall again occasion any Annoyances by Filth, Dung, Ashes, or otherwise, upon the said Roads, or by turning into the same any Watercourse, Sink, or Drain, to the Prejudice thereof, every Person so offending, and being thereof convicted, upon Oath of *One* or more Witness or Witnesses before the said Trustees, or any *three* or more of them, or before any One or more Justice or Justices of the Peace for the County where the Offence shall be committed (which Oath the said Trustees, or any *three* or more of them, or the said Justice or Justices is and are hereby empowered to administer) shall, for every such Offence *forfeit and pay* - to the said Trustees the Sum of *Twenty Shillings* to be *levied & recovered* in Manner ~~hereafter~~ mentioned, and applied for and towards repairing the said Roads.

Surveyors to
make Causeways,
and cut Drains;

Making Satisfac-
tion.

Surveyors to
cleanse Water-
courses.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors, to be appointed in pursuance of this Act, by order of the said Trustees, or any *three* or more of them, to make, or cause to be made, Causeways; and to cut and make Drains through any Grounds lying contiguous to the said Roads; and to make, and erect, and keep in Repair, Arches of Brick, Timber, or Stone, thereupon; and to divert and turn the said Roads and Highways, over any Part of the Lands, Commons, or Waste Grounds, contiguous and adjoining, or lying near thereto; and also to widen any of the narrow Parts of the said Highways or Roads, by opening, clearing, and laying into the same, any Grounds of any Person or Persons, lying contiguous to or near such Highway or Road (not being an House, Garden, Orchard, Yard, Park, Paddock, Planted Walk, or Avenue to an House); and also to cause Ditches or Trenches to be made in such Places, and in such Manner, as such Surveyor or Surveyors, by order of the said Trustees, or any *three* or more of them, shall adjudge necessary, for the better diverting, turning, amending, and keeping the said Highways and Roads in good Repair; making such reasonable Satisfaction to the Owner or Occupier of such Ground, which shall be so used, in diverting or turning the said Roads, or laid in or unto the said Highways or Roads, or through which any such Drain or Drains shall be cut, or on which any such Arch or Arches, Bridge or Bridges, shall be made, for the Damages which he, she, or they, shall or may thereby sustain, ~~or~~ shall be adjudged by the said Trustees, or any *five* or more of them: And, in case any Difference shall arise between the said Trustees, and such Owners or Occupiers respectively, concerning the same, then it shall and may be lawful to and for the Justices of the Peace, or the major Part of them, at their next General Quarter-Sessions, to be holden for the County in which the Matter in Dispute shall lie, to hear, adjudge, and finally determine the same; and if any Owners or Occupiers of any Watercourse, Ditch, or Ditches, adjoining to the said Highways or Roads, shall neglect or refuse to cleanse or scour such Watercourse or Watercourses, and to make such Ditch or Ditches so deep, and in such manner, as such Surveyor or Surveyors shall adjudge proper and convenient, after *Ten* Days Notice shall be given for that Purpose, by such Surveyor or Surveyors to be appointed, or such Person or Persons as shall be appointed by him or them, to such Owners or Occupiers, it shall and may be lawful to and for such Surveyor or Surveyors, to set a Man or Men to work, to scour or cleanse, and make the same, and by Warrant from any *three* or more of the said Trustees, or of One or more Justice or Justices of the Peace, for the County wherein such Watercourse or Ditch shall lie, to *levy* the Charge thereof upon the Persons, Goods, or Estates, of the Owners of such Watercourse

Watercourse or Watercourses, Ditch or Ditches ; and by *Distress and Sale* of his, her, or their Goods and Chattels, rendering the Overplus (if any be) after all Charges of such Distress and Sale thereout deducted, to the said Owners or Occupiers, when by him, her, or them, demanded.

Provided always, That if the ancient and former Way over any Ground shall, by virtue, or in pursuance, of this Act, be turned or diverted, the Inhabitants of the Township, Parish, or Hamlet, wherein the old Road, which shall thereby be left or discontinued, shall lie, shall not be obliged to repair such old Road, unless the said old Road lead to some other Village, Town, or Place, than the new Road doth. Townships not to repair discontinued Roads.

And whereas it may happen, that some Person or Persons, Bodies Politick, Corporate or Collegiate, Feoffees in Trust, or others, are seized or possessed of some Lands, Grounds, Tenements, or Hereditaments ; which, according to the Powers given by this present Act, may, by the said Trustees, be thought necessary or proper to be taken in, and added to, the said Roads, either for extending, widening, enlarging, diverting, turning, altering, or amending the same, as aforesaid ; and they may be willing to treat and agree to sell such Land, Ground, Tenements, and Hereditaments, for the Purposes aforesaid, but are incapable of selling, granting, or conveying, the same, by reason of Infancy, or other Disabilities ; **Be it therefore** Corporations, &c. possessed of Lands, **Enacted**, by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on behalf of any Infants, Females-covert, or Cestuique Trusts ; and for all and every Person and Persons whatsoever, who are or shall be seized, possessed of, or interested in, any such Land, Ground, Tenements, or Hereditaments, to treat, contract, and agree with, the said Trustees, or any *Seven* or more of them, for Satisfaction to be made respectively, for such their Land, Ground, Tenements, Hereditaments, or any Part thereof, or their Interest therein, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall be or require ; and that all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid, to all Intents and Purposes ; any Law, Statute, Custom, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof, in any-wise, notwithstanding : And that all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Corporate or Collegiate, Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue, or in pursuance, of this Act. May sell them to the Trustees. *do Grounds*

And it is hereby further Enacted, That if any such Owner, Proprietor, Occupier, Body Politick, Corporate, or Collegiate, or other Person or Persons interested in such Lands, Grounds, Tenements, or Hereditaments, upon convenient Notice to them given, or left, in Writing, at the Dwelling-house or Place of Abode of such Person or Persons, or of the head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, Tenements, and Hereditaments, so to be taken into, and added to, the said Roads as aforesaid, or into which such Way, Path, or Road as aforesaid, shall be diverted, turned or altered as aforesaid, shall, by the Space of *ten* - - Days after such Notice given, or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or, by reason of Absence, shall be prevented from treating, then and in every or any such Case, the said Trustees, or any *Seven* or more of them, shall cause it to be inquired into and ascertained, by and upon the Oaths of a Jury of *12* indifferent Men, of One, some, or all of the Parishes, in which the said Roads lie (which Oath the said Trustees, or any *three* - or more Corporations and Trustees being seized of Lands, &c. Not treating with the Trustees. Trustees to enquire of the Damage ; *of*

of them, are hereby impowered and required to administer) what Damages such Owners, Occupiers, or Proprietors, or other Person or Persons interested or concerned therein, shall or may suffer or sustain, for or by reason of the taking in or adding of any such Land, Ground, Tenements, or Hereditaments, into the said Roads; and what Recompence and Satisfaction such Owners, Occupiers, Proprietors, or other Person or Persons suffering thereby, shall respectively have, by reason or on account thereof; and, for that Purpose, and in order thereto, the said Trustees, or any *three* or more of them, are hereby impowered and required, from time to time, as it shall be necessary or requisite, to summon and call before them all and every Person and Persons whatsoever, who shall be thought necessary or proper to be examined as a Witness or Witnesses, touching or concerning the Premises, and shall examine all such Witnesses before the said Jury, upon Oath (which Oath the said Trustees, or any *three* or more of them, are hereby impowered and required to administer); and they shall also order and cause the said Jury to view the Places in Question, and to use all other lawful Ways and Means, as well for their own as the said Jury's Information, in the Premises, as they the said Trustees, or any *three* or more of them, shall think fit; and after the said Jury shall have so inquired of, ascertained, and settled such Damages and Recompence, they the said Trustees, or any *three* or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors, of the said Lands, Grounds, Tenements, and Hereditaments, or other Persons interested therein, according to such the Verdict or Inquisition and Judgment of the said Jury; which said Verdict or Inquisition, and Judgment, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties or Persons whatsoever claiming, in Possession, Reversion, or Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females-coverts, and Persons under any other Disabilities whatsoever; Bodies Politick, Corporate, and Collegiate, as well as all and every other Person and Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person or Persons any-ways interested in such Land, Ground, Tenements, and Hereditaments, shall thereby be, from thenceforth, to all Intents and Purposes, barred and divested of all Right, Title, Claim, Interest, or Property, of, in, to, or out of, the same.

And to summon
a Jury.

Who are to ascertain the Damage; and the Trustees to make Satisfaction.

The Verdict of the Jury to be final.

Directions for summoning a Jury.

And, for the summoning or returning such Jury or Juries, Be it further Enacted, by the Authority aforesaid, That the said Trustees, or any *three* or more of them, are hereby impowered to issue out their Warrant to the Sheriff of the County where such Ground, so intended to be taken in and added to the said Roads, lie, thereby requiring him to impanel, summon, and return an indifferent Jury of *Twenty four* - to appear before the said Trustees, or any *three* or more of them, at such Time and Place, as in such Warrant shall be appointed; whereupon such Sheriff is hereby required to impanel, summon, and return, such *Twenty four* accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear, the said Trustees, or any *seven* - of them, shall choose *Twelve* who being sworn, shall be the Jury for the Purposes aforesaid; and, in case any One Piece of Ground, so intended to be taken in and added to the said Roads, shall be situate in both the said Counties of *Sussex & Surrey* then, and in such Case, the said Trustees, or any *seven* or more of them, shall direct their Warrant, for the Purposes aforesaid, to the Sheriff of both the said Counties indifferently; who, together with the said Trustees, shall proceed thereupon, in the same manner as if the said Ground had been situate wholly in one County; and, for want of a sufficient Number of Jurymen, the said Sheriff, or his Deputy, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of *Twelve*

Provided always, and be it further Enacted, by the Authority aforesaid, That all Persons concerned shall, from time to time, have their lawful Challenges against any of the said Jurymen, when they come to be sworn; and that the said Trustees, or any *seven* or more of them, acting in the Premises, shall have Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff or Sheriffs, his or their Deputy or Deputies, Bailiffs, or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, not appearing, or refusing to be sworn on the said Jury, or, being so sworn, and refusing and not giving their Verdict concerning the same, or in any other manner wilfully neglecting their Duties therein, contrary to the true Intent and Meaning of this Act; and on any Person or Persons, who, being required to give Evidence before the said Jury, touching the Premises, shall refuse to be sworn and examined, or to give Evidence touching the same; and, from time to time, to set such Fine or Fines, not to exceed the Sum of *Ten pounds*, upon any One Person; and, from time to time, to *levy such fine or fines by Distress and Sale* of the Goods and Chattels of such Person, by Warrant from any *three* or more of the said Trustees, the same to be applied towards repairing the said Roads.

Persons interested may challenge the Jury

Persons returned on the Jury, refusing to be sworn, or to give their Verdict;

To incur a Penalty.

And be it further Enacted, by the Authority aforesaid, That all and every such Sum or Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed, as aforesaid, shall be, and are hereby, charged and chargeable upon all Tolls and Monies which shall be raised, received, collected, or borrowed, for the Purposes of this present Act, and shall be paid thereout, accordingly, to the Persons respectively intitled thereto, or to their respective Agents; and that, upon Payment, or Tender thereof, to the said Persons, so respectively intitled thereto, and in case of Refusal to accept the same, that, upon leaving the same in the Hands of the Clerk to the said Trustees for the Time being, for the Use of such Person or Persons as the said Trustees, or any *five* or more of them, shall appoint the same to be paid; unto and after *three Months* Notice thereof given to such Person or Persons, it shall and may be lawful for the said Trustees, or any *five* or more of them, their Surveyors, Workmen, Servants, or Agents, to take into, and add to, the said Roads, such said Ground, Land, or Tenements, and to do all and every such Act, Matter, and Thing, with relation to the said Ground, Land, Tenements, and Hereditaments, so taken into and added, or to be taken into, and added to, the said Roads; and to ditch and fence the same, as the said Trustees, or any *five* or more of them, shall think fit; and the said Ground, Lands, or Tenements, so taken or to be taken in, when the same shall be so ditched and fenced, as aforesaid, shall, to all Intents and Purposes whatsoever, from thenceforth become and be, and shall be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said Roads, not only during the Continuance of this present Act, but for ever after; and shall be repaired, and kept in Repair, by such Ways and Methods, and in all Respects, in such manner as other Highways are by Law to be repaired, and kept in Repair.

Directions for Payment of Money to be assessed.

To the Persons intitled.

The Lands taken in to be Part of the Roads.

to

Provided always, That no Person or Persons shall sit or act as a Trustee or Trustees, in any Case relating to the contracting for, or purchasing of, any Ground, Lands, Tenements, and Hereditaments, so to be taken into the said Roads, where or they are concerned in Interest.

No interested Trustee to act.

And, forasmuch as the Money to be collected by the Receipt of the Tolls or Duties by this Act made payable, as aforesaid, will not, for some Time, be sufficient for the repairing of the said Roads, Be it further Enacted, by the Authority aforesaid, That the said Trustees, or any *seven* or more of them, shall and may,

Power to borrow Money.

may, and they are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to assign over, or mortgage, the Tolls or Duties arising by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same to be borne and paid out of such Tolls and Duties), for any Time or Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money, so to be borrowed by the said Trustees for that Purpose, to such Person or Persons, or their Trustees, who shall advance and lend the same, to secure the Payment thereof, with Interest, at Five Pounds *per Cent.* or less; which Money, so to be borrowed, shall be applied and disposed of as the said Tolls or Duties by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

And be it further Enacted, by the Authority aforesaid, That Copies of all and every the Assignments or Mortgages, so to be made by the Trustees, as aforesaid, shall be registered, or entered, at Length, in a Book or Books to be kept for that Purpose, by the said Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may be seen and perused, at all seasonable Times, by any Person or Persons whomsoever, without Fee or Reward.

Giving Notice of borrowing.

Provided always, and it is hereby Declared, That no Money shall be borrowed by the said Trustees, or any of them, upon the Credit of the Tolls to be collected by virtue of this Act, after the First Meeting of the Trustees for putting this Act in Execution, unless Notice be, for that Purpose, fixed in Writing, under the Hand of the Clerk or Clerks to the said Trustees, upon all the Turnpikes then erected by virtue of this Act, at least 21 Days before the borrowing of such Money.

Persons having Securities on the Tolls;

And it is also further Enacted, by the Authority aforesaid, That all and every Person or Persons, to whom any Assignment, Mortgage or Mortgages, of the said Tolls shall be made by the said Trustees, or any *seven* or more of them as a Security for any Sum or Sums of Money, by any Person or Persons lent and advanced on the Credit, and for the Purposes mentioned in this Act, or shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignment, to be indorsed on the Back of his, her, or their Security or by any other Writing or Writings, under his, her, or their Hands and Seals, be duly executed in the Presence of Two or more credible Witnesses, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest-Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers, appointed or to be appointed by the said Trustees, or any *seven* or more of them, within *three* Months after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Dates, Parties, and Sum of Money therein mentioned to be transferred, in the said Book, to be kept for the entering the said original Assignments; for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of *two Shillings & Six pence* and no more; and, after such Entry made, such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like manner, assign again, and so *toties quoties*: And it shall not be in the Power of such Person or Persons, who shall have made such Assignment, to make void, release, or discharge the same, or any *Monies* thereby due, or any Part thereof.

May assign them.

Memorials of Assignments to be entered in a Book.

money

*Indorsing for
as per form for*

And, for preventing Frauds and Abuses in the said Tolls or Duties hereby granted, ^{Penalty on giving and receiving Tickets.} Be it further Enacted, by the Authority aforesaid, That if any Person or Persons, having paid the Toll or Duty by this Act laid, and having a Note or Ticket, Notes or Tickets, signifying the Payment of such Toll or Duty, shall give or dispose of the same to any other Person or Persons, in order to avoid the Payment of the said Toll or Duty, every such Person or Persons, giving or disposing of such Note or Ticket, Notes or Tickets, and the Persons receiving the same, being thereof convicted, before the said Trustees, or any *three* or more of them, or before One or more Justice or Justices of the Peace for either of the said Counties wherein such Offence shall be committed (which Oath the said Trustees, or any *three* or more of them, or the said Justice or Justices, is and are hereby impowered and required to administer), shall, respectively *forfeit and pay the sum of Twenty Shillings to be levied & recovered* in such manner as is herein after-mentioned, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied towards repairing the said Roads.

Provided always, and it is hereby Declared, That no Person or Persons ^{Persons and Things exempted from Tolls.} shall be charged with any of the Tolls or Duties aforesaid, for any Quantity of Stone, Brick, Lime, Timber, Wood, Gravel, or other Materials, for repairing the said Roads, or for any Lime, Lime-stone, Dung, Mould, or Compost, of any Nature or Kind whatsoever, for Manuring of Lands or Gardens; nor shall any Toll or Duty be demanded or taken, by virtue of this Act, for any Carts, Wains, Waggons, or other Carriages, carrying any Hay, or Corn in the Straw, to be laid up in Houses, Out-houses, Barns, or Yards, of or belonging to the respective Inhabitants, of the several Parishes, Townships, or Places, in which the Roads hereby intended to be repaired do lie; nor for any Ploughs, Harrows, or any other Implements of Husbandry, or any other Thing whatsoever, belonging to, or employed by, such Inhabitants respectively, in Husbandry, Manuring, or Stocking, of Lands, lying near the said Roads; nor shall any of the Tolls or Duties, hereby laid, be demanded or taken from any Person or Persons, residing in the said Parishes in which the said Roads, hereby directed to be repaired, do lie; who shall pass through the said Turnpikes to and from Church, Chapel, or other Places of religious Worship on *Sundays*; or who shall attend the Funeral of any Person or Persons who shall die, or be buried in, any of the Parishes in which the said Roads, hereby directed to be repaired, do lie; or for any Horses, Geldings, Mares, or Cattle, going to, or returning from, Pasture, Watering-places, or Shoeing, belonging to such Parishes, Townships, or Places, or any of the neighbouring Inhabitants near the said Road; or for any Post-horse carrying the Mail or Packet; nor shall any Toll or Duty be demanded or taken for the Horses of Soldiers passing, who are upon their March; or for Carts, Carriages, or Waggons, attending them, or laden with their Arms or Baggage; or for Horses, Carts, or Waggons, travelling with Vagrants sent by Passes.

Provided always, That nothing herein contained shall exempt any Person or Persons from the Payment of any of the said Tolls or Duties hereby granted, for any Carriages or Horses drawing or carrying any Lime, Limestone, or Chalk, on the said Roads, not made or gotten in any of the Parishes, Townships, or Places in the said Roads in which the same shall be used. *ju*

Provided always, and it is hereby Enacted, by the Authority aforesaid, ^{Persons to Elections for the Counties to be exempt.} That, during the Continuance of this Act, all Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Litters, and Passengers on Horseback, shall pass and repass Toll-free on the Days or Times on which there shall be an Election of a Knight or Knights of the Shire for the said Counties of *Sussex* and *Surry*, or either of them, such Coaches, Chariots,

Chariots, Calashes, Chaises, Chairs, Litters, or Passengers, going or returning from such Election; any thing herein contained to the contrary notwithstanding.

Tolls to be paid
but once a Day.

at **Provided** always, and be it further Enacted, That no Person who shall have paid Toll for passing through any of the said Turnpikes, shall be subject to the Payment of Toll for passing the same Day, to be computed from Twelve of the Clock ~~in the~~ Night to Twelve of the Clock in the succeeding Night, with the same Cattle and Carriages, through the respective Turnpikes whereat such Tolls have been paid, but that all such Persons shall, in such Case, pass and repass Toll-free with such Cattle and Carriages; any thing in this Act to the contrary notwithstanding.

Turnpikes and
Toll-houses vest-
ed in the Trust-
ees.

And be it further Enacted, by the Authority aforesaid, That the Right and Property of all and every the Turnpikes and Toll-houses, which shall be erected and built by virtue of this Act, shall be vested in the said Trustees appointed or to be appointed to put the same into Execution, and that they, or any *seven* or more of them, are hereby authorized and empowered to dispose thereof as they shall think proper; or to bring Actions, and to prefer Bills of Indictment in their Name, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, or any One or more of them, against any Person or Persons who shall steal, take away, break down, damage, or spoil such Turnpikes or Toll-houses, or any of them, so erected and built, as aforesaid.

Power to repair
Bridges.

Provided always, and be it further Enacted and Declared, by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees nominated and appointed for the Purposes of this Act, or their Successors, or any *five* or more of them, to lay out and apply so much and such Part of the Money, to be raised and levied by Force and Virtue, and upon the Credit of this Act, as they shall, from time to time, think requisite and necessary in that behalf, for and towards the building, supporting, maintaining, and repairing such Bridges, and the Way and Passage over the same, over which the Road, intended to be repaired by this Act, doth lead.

Persons liable to
repair the Roads
and Bridges to
continue so.

Provided always, and be it further Enacted, by the Authority aforesaid, That all and every Person and Persons who by Law are chargeable towards the repairing and amending the said Roads and Bridges, hereby intened to be repaired, shall still remain chargeable, and do their respective Days Work in the several Parishes, Townships, and Places, in which the said Roads and Bridges do respectively lie, in such Manner as he, she, or they ought to have done before the passing of this Act.

Trustees to direct
the Quantum of
Statute-work.

And, for preventing Differences which may arise between the said Trustees and the Surveyors of the Highways for the Time being, for the several Parishes or Places through which the Roads aforesaid do lead, touching what Part of the Statute-work in any Parish, Place, or Division, ought to be done on the Roads by this Act directed to be repaired, **Be it further Enacted**, by the Authority aforesaid, That it shall and may (yearly, and every Year during the Continuance of this Act) be lawful for any *five* or more of the said Trustees, at any of their publick Meetings, upon Application made to them by the said Turnpike Surveyor or Surveyors, to adjudge and determine what Part or Proportion of the said Statute-work shall be done upon the Roads aforesaid, by the Inhabitants of each or any of the Parishes in which the said Roads, hereby directed to be amended, do lie, so that the same shall not, in the whole, exceed *four* Days Statute-work in each Year; and that such Statute-work shall not be done Hay time or Harvest.

Provided also, and be it further Enacted, by the Authority aforesaid, That ^{Power to compound for Statute work.} it shall and may be lawful to and for the said Trustees, or any ~~one~~ or more of them, from time to time, during the Continuance of this Act, to compound and agree with any of the Parishes or Townships to which the said Roads do belong, or with any of the Possessors or Occupiers of such Lands, Tenements, or Hereditaments, as are or shall be liable or chargeable to the Repair of any Part of the said Roads or Bridges, for a certain Sum of Money, or otherwise by the Year, as the said Trustees, or any ~~seven~~ or more of them, shall think reasonable, in lieu of the Statute or other Work to be done by such Parish or Parishes, Township or Townships, or by such Possessor or Possessors, Occupier or Occupiers of such Lands, Tenements, or Hereditaments, chargeable, or other Person or Persons liable, as aforesaid; Copies of all which Compositions or Agreements so to be made by the said Trustees, as aforesaid, ^{Agreements to be entered in a Book.} shall be entered, at Length, in a Book or Books, to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may, at all seasonable times, be seen and perused by any Person or Persons whomsoever, without Fee or Reward.

And be it further Enacted, by the Authority aforesaid, That the respective ^{Turnpike-Surveyors to give Lists of Persons liable to Statute-work.} Surveyor or Surveyors of the Highways, for the Time being, of all and every the Parish and Parishes, Townships, or Places, in which the said Roads intended to be repaired by this present Act do lie, shall yearly, and every Year during the Continuance of this Act, within ~~ten~~ Days, after Demand made to him or them, in Writing, by the Turnpike-Surveyor or Surveyors, give and deliver to the said Turnpike-Surveyor or Surveyors, an exact List or Account, in Writing, under his or their Hands, of the Christian and Surname of all and every Person and Persons in the said respective Parishes, Townships, or Places, who are by Law chargeable towards repairing the Roads in any of the said Parishes, Townships, or Places; and shall set forth and specify in such List what each Person is respectively chargeable with for and towards the same; and the said Parish-Surveyor or Surveyors for the Time being, respectively, within ~~ten~~ Days after Notice shall be given them, or either of them, by the said Turnpike-Surveyor or Surveyors of the Time when (except in Hay or Corn Harvest) and how many of the Persons so chargeable, as aforesaid, he or they would have to do such their respective Statute or Days Work so adjudged or appointed, as aforesaid, in or upon any Part or Parts of the said Roads, shall summon or give publick Notice thereof to the said Person or Persons so chargeable, as aforesaid: And if any Parish Surveyor or Surveyors aforesaid shall neglect or refuse to do, as they are ^{Who is to be liable to a Penalty for Neglect.} hereby required and directed to do, he or they, for every such Neglect or Refusal, shall forfeit the Sum of *Twenty Shillings to be levied & recovered* in such Manner as any other Forfeiture or Penalty is by this Act directed to be levied and recovered; which said Sum of *Twenty Shillings* shall be applied towards repairing the said Roads: And if any Person or Persons keeping a Team or Teams, Draught or ^{Penalty on Persons neglecting to do Statute-work.} Draughts, Cart or Carts, and chargeable towards repairing the said Roads, shall, after such Summons or publick Notice, neglect or refuse to send their respective Teams, Draughts, or Carts (each Team or Cart not to contain less than *four* good Horses, or Beasts of Draught, with One able Man to attend the same) to do and perform such their respective Days Work on the said Roads, he, she, or they, so neglecting or refusing, shall respectively forfeit the Sum of *Six Shillings* for every Team, Draught, or Cart, making Default each of the said respective Days: And if any Labourer, or other Person or Persons, so chargeable towards repairing the said Roads, shall at any time neglect or refuse (after such Summons or publick Notice) to do and perform the said appointed Days Work on the said Roads, he, she, or they shall respectively forfeit the Sum of *One Shilling* for each of the said Days such Labourer, or other Person or Persons, shall make Default: And if any

Negligent Persons
to be turned off.

any Person or Persons, who shall (according to such Summons or publick Notice, as
aforesaid) come to work as Labourers, or be sent with any Team, Draught, or Cart,
to work on the said Roads, are found idle and negligent by the said Turnpike-Sur-
veyor or Surveyors respectively, where the Work is to be done, in such Case the said
Turnpike-Surveyor or Surveyors may, and is and are hereby impowered and re-
quired to remove and turn him or them off, who shall be found idle or negligent, as
aforesaid; and it shall be esteemed and taken as if such Person or Persons had not
come as a Labourer, or had not come with or sent any Team, Draught, or Cart to
work on the said Road; and he, she, or they shall be subject and liable to do their
respective Days Work so ordered and appointed, as aforesaid.

Trustees may
compound with
Travellers.

And be it further Enacted, by the Authority aforesaid, That the said Trustees,
or any ~~seven~~ or more of them, shall, and they are hereby impowered, from time to
time, as they shall see convenient or think fit, to compound, or agree by the Year,
with any Person or Persons using to travel through the Turnpike or Turnpikes to be
erected on the said Road, with any Waggon, Wain, Cart, Horse, Gelding, Mare,
or other Beast of Burden, for any Sum or Sums of Money, to be paid Quarterly, or
otherwise, from time to time, after such Agreement shall be made; Copies of all
which Compositions or Agreements, so to be made by the said Trustees, as aforesaid,
shall be entered, at Length, in a Book or Books, to be kept for that Purpose by the
Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may
be seen and perused, at all seasonable times, by any Person whomsoever, without
Fee or Reward.

How to recover
Composition.

Provided always, and be it further Enacted, by the Authority aforesaid,
That in case any Composition-money, agreed to be paid for passing through the said
Turnpikes or Gates, to be erected by virtue of this Act, Toll-free, or in lieu of
any Statute or Days Work of the Inhabitants of any Parish, Township, or Hamlet,
wherein the Roads to be amended by virtue of this Act do lie, shall not be paid
within *One Month* next after the same shall become payable, according to such
Composition or Agreement, that then it shall and may be lawful for any Justice of
the Peace of the County wherein such Person or Persons, so compounding as afore-
said, shall reside, by Warrant under his Hand and Seal, to impower the Person au-
thorized by the said Trustees, or any *five* or more of them, to receive such Com-
position-money, and Oath being first made that the same has been demanded, and
remains unpaid (which Oath such Justice is hereby authorized to administer, *to levy*
the same by Distress and Sale of the Goods of the Person and Persons, so
having compounded, for passing through any of the said Turnpikes Toll-free, as
aforesaid, or of the Person or Persons who shall so compound for or in respect of the
said Statute or Days Work, or of the Surveyors of the Highways, for the Time be-
ing, of such Parish, Township, or Hamlet, in respect of whose Statute or Days
Work such Composition shall be made, returning the Overplus, after the Charges
of such Distress and Sale first thereout deducted.

How Township
Surveyors are to
be reimbursed.

Provided also, and be it Enacted, by the Authority aforesaid, That if any
of the Surveyors of the Highways of and for such Parish, Township, or Hamlet, for
which any such Composition shall be made, for any Statute or Days Work, as afore-
said, shall pay the Composition-money, or in case such Composition-money shall be
levied on him in the manner herein before provided, all and every such Surveyor
and Surveyors shall and may be reimbursed the Composition-money he shall so pay,
or which shall be so levied on him, together with the Charges of levying the same,
in such manner as by the Laws now in being Surveyors of the Highways of this
Kingdom are to be reimbursed the Monies by them expended in buying Materials
for amending the said Highways.

Provided always, and it is hereby Enacted and Declared, That if it shall appear to the said Trustees, or any ~~seven~~ or more of them, that any Lands, Tenements, or Hereditaments, or any Rents and Profits issuing out of any Lands, Tenements, or Hereditaments, now are, or hereafter shall be, liable and chargeable towards the amending the Roads and Bridges by this Act directed to be repaired, or any Part thereof, such Lands, Tenements, and Hereditaments, shall still remain liable and chargeable; and the Possessors and Occupiers of such Lands, Tenements, and Hereditaments, are hereby required and directed to pay such Rents and Profits to such Person and Persons as the said Trustees, or any ~~seven~~ or more of them, shall appoint to receive the Tolls and Duties granted by this Act; and, upon Default of Payment thereof, it shall and may be lawful to and for the said Trustees, or any ~~three~~ or more of them, by Warrant under their Hands and Seals to ~~levy the same by Distress and Sale~~ of the Goods of such Person or Persons as shall neglect or refuse to make such Payment, as aforesaid: And such Rents and Profits, when recovered and received, shall be applied, from time to time, for and towards amending that Part of the said Roads to which the said Lands and Rents were liable before the passing this Act, and the Bridges there, and to no other Use or Purpose whatsoever.

Rents of Lands
for Repair of
Highways to be
paid to the
Trustees.

And be it further Enacted, by the Authority aforesaid, That all Penalties and Forfeitures by this Act incurred (touching which no other Provision is herein made) shall be levied and recovered by ~~Distress and Sale~~ of the Offender's Goods and Chattels, by Warrant or Warrants, under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the said Counties of ~~Sussex and Surry~~ respectively, where the Offence shall happen; which Warrant or Warrants the said Justice or Justices is and are hereby empowered and required to grant, upon the Information of One or more credible Witness or Witnesses, upon Oath (which Oath such Justice or Justices is and are hereby empowered and required to administer); and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) to the Party or Parties whose Goods or Chattels shall be so distrained and sold (the Charges of such Distress and Sale being first deducted), shall go, and be applied, and laid out (if not otherwise directed to be applied by this Act), towards amending the Roads hereby directed to be repaired.

Penalties how
to be recovered.

And be it further Enacted, by the Authority aforesaid, That the said Trustees appointed or to be appointed to put this Act in Execution, shall, during the Continuance thereof, take care to have all Receipts, Payments, Debts, Orders, and Contracts, had, or made, or contracted, or entered into, for, upon, or on account of, the making and amending, widening, diverting, or turning, the said Roads, and all other the Proceedings of them the said Trustees, to be fairly written and entered in One or more Book or Books, to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may be seen and perused at all seasonable times, without Fee or Reward, by any Person or Persons whomsoever; and also that any of the said Trustees so appointed shall and may take Copies of all or any Part thereof, paying for every Copy, not exceeding One hundred Words ~~six pence~~ and so proportionally for any greater or lesser Number of Words: And that all such Orders so entered shall be signed by the Clerk to the said Trustees, at any Meeting of any ~~five~~ or more of the Trustees aforesaid assembled, as the Case shall require: And such Orders shall be deemed and taken to be original Orders, as if the same were under the Hands and Seals of any ~~five~~ or more of the Trustees; which said Book or Book, and also the said Book directed to be kept for registering or entering the said Assignments and Transfers, shall and may be produced and read in Evidence in all Cases of Appeals, Suits, or Actions, touching any thing done in pursuance and by the Authority of this Act.

Matters relating
to the Act to be
entered in a Book.

Persons aggrieved
may appeal.

Provided always, and be it further Enacted, by the Authority aforesaid, That in case any Collector or Collectors, Receiver or Receivers, or other Person or Persons, shall think him, her, or themselves, aggrieved, by any thing done in pursuance of this Act, it shall and may be lawful to and for him, her, or them, within the Space of *four* Months, to appeal to the Justices of the Peace, at their next General Quarter-Sessions of the Peace to be held for the County where the Matter in question shall arise; who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint or Complaints of any Person or Persons so aggrieved; and, if they see Cause, shall and may, by Order of such Sessions, mitigate, at their Discretion, all or any the Penalties or Forfeitures incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Party or Parties at Liberty, or otherwise ratify and confirm the same, with such Costs, as to them in their Discretion shall seem reasonable; and to *levy* by their Order or Warrant such Costs, so awarded, *by Distress & Sale* - of the Goods and Chattels of any Person or Persons who shall refuse to obey the same: And, for want of sufficient *Distress to Commit* the Party or Parties to the common Gaol or House of Correction of the said respective Counties of *Sussex* and *Surry*, wherein such Appeal shall be heard and determined, for any time not exceeding *One Month* until Payment of such Costs shall be made; but the Person or Persons, so appealing as aforesaid, shall, and they are hereby directed to give Notice, in Writing, to the Treasurer or Treasurers, for the Time being, of the Tolls and Duties granted by the Act, where the Offence was committed, of such their Intention of bringing or prosecuting any Appeal *fourteen* Days before the said Quarter-Sessions, and shall, within *five* Days after such Notice given, enter into a Recognizance before One or more Justice or Justices of the Peace of and for such County where such Appeal shall lie with Two sufficient Sureties, with Condition to try such Appeal at the Quarter-Sessions of the Peace which shall be held for such County, next and immediately after giving Notice of such Appeal; and every such Appeal shall, at the then next General Quarter-Sessions, be there heard and finally determined.

Proceedings not
to be quashed for
want of Form.

Provided always, and be it further Enacted, by the Authority aforesaid, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this present Act, shall be quashed or vacated for want of Form only, or be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster*; any thing herein contained to the contrary notwithstanding.

For Matters relating to Act to be on Stamps.

And it is hereby further Enacted and Declared, That no Nomination, Appointment, Information, Order, Judgment, Conviction, Warrant, or other Determination whatsoever, under the Hand and Seal or Hands and Seals of any of the Trustees of this Act, or under the Hand and Seal or Hands and Seals of, or prohibited before, any Justice or Justices of the Peace, touching, concerning, or in Execution of, any Power or Authority hereby vested in them, some, or any of them respectively, shall be charged or chargeable with any Stamp-Duty whatsoever.

Power to lessen
the Tolls.

And it is hereby further Enacted and Declared, by the Authority aforesaid, That the said Trustees, or any *seven* or more of them, are hereby authorized and impowered, from time to time, in case it shall appear requisite and expedient to lessen the several Tolls and Duties hereby granted and made payable, and to order and direct such Tolls and Duties so to be lessened and reduced, to be collected, received, and taken, laid out, and applied, for the Purposes of this Act in such Manner, Parts, and Proportions, as they shall think fit, so as such Reduction be no Prejudice to, or be with the Consent of, the several Persons who shall be

have advanced any Money secured thereby ; any thing herein contained to the contrary in any-wise notwithstanding.

And be it further Enacted, by the Authority aforesaid, That the Tolls or Duties hereby granted, shall take place from and after the *first day of May One Thousand seven hundred & fifty five* and shall continue and be paid from thenceforth (subject to such Reductions as aforesaid), for and during the Term of 21 - Years, and from thence to the End of the then next Session of Parliament. Commencement and Continuance of the Act.

And be it further Enacted and Declared, That it shall and may be lawful to and for any of the said Trustees, appointed or to be appointed to put this Act in Execution, who is or shall be in the Commission of the Peace for the several Counties in which the said Roads, hereby intended to be repaired, do lie, to act as a Justice or Justices of the Peace, in all Cases, Matters, and Things, as may be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act mentioned and contained.

Provided always, and be it further Enacted and Declared, That no Person or Persons appointed or to be appointed by this Act a Trustee or Trustees, for putting this Act in Execution, shall have or accept of any Place of Profit arising out of it, or by reason of any Tolls or Duties by this Act laid or granted ; but such Person or Persons shall be incapable of acting as a Trustee or Trustees, from the Time of accepting, and during the Enjoyment of, such Place of Profit as aforesaid. No Trustee to have a Place under the Act.

Provided always, and it is hereby further Enacted, That the said Trustees, or any *five* - or more of them, shall and may, and they are hereby required to cause the said Roads to be measured, and Stones or Posts to be set up thereon, or near the Sides of the said Roads, each Stone or Post at the Distance of One Mile from another, and denoting the Distance of every such Stone or Post from any other Place, as to the said Trustees shall seem meet : And if any Person or Persons shall voluntarily and maliciously break any of the said Stones or Posts, or any Part thereof, which shall be so erected and set up, or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraved or inscribed thereon, and shall be convicted thereof by the Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the said respective Counties of *Sussex and Surry*, where such Offence shall be committed ; every such Person or Persons, so offending, shall respectively *forfeit and pay the sum of forty shillings* - for each Stone or Post so voluntarily or maliciously broke, obliterated, or defaced, to be *levied by Distress and Sale* of the Goods and Chattels of every such Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals, of such Justice or Justices, before whom such Conviction shall be made ; One Moiety whereof to go to the Informer, and the other Moiety thereof shall be applied in repairing the said Roads, and making good such Stones or Posts, so broken and defaced ; and in case the Person or Persons, so offending and convicted, shall have no Goods and Chattels, then it shall and may be lawful to and for any One or more of such Justice or Justices, by Warrant under his Hand and Seal or their Hands and Seals respectively, to *commit such Person or persons to any Goal or house of Correction* in such County where such Offence was committed, there to remain for the Space of *one Calendar Month*. Mile-stones to be set up. Penalty on defacing them.

And be it further Enacted, That no Person shall be capable of acting as a Trustee, in any Case, in the Execution of this Act, unless he shall be, in his own Right, or in the Right of his Wife, in the actual Possession, or Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, Freehold, Qualification of Trustees.

hold, Leasehold, or Copyhold, of the yearly Value of ^{fifty} ~~one hundred~~ Pounds above Reprizes, or shall be possessed of an Annuity of ~~one hundred~~ Pounds, a Year, issuing out of Lands, Tenements, or Hereditaments, or shall be Heir apparent to some Person or Persons having an Estate of the yearly Value of ~~one hundred~~ Pounds, and if any Person or Persons, so made incapable to act for the Causes aforesaid, shall, nevertheless, presume to act, contrary to the true Intent and Meaning of this Act, every such Person or Persons shall ~~forfeit and pay the sum of fifty Pounds~~ to any Person or Persons that will inform and sue for the same, to be recovered in any of his Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Complaint, or Information; wherein no Effoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

First Meeting
of Trustees

May
Day of ~~April~~ 1755
at ~~the house of Nathaniel Edmonds~~ Dorking
ately

And be it further Enacted, by the Authority aforesaid, That the several Trustees hereby appointed, or any ~~seven~~ or more of them, shall meet together ~~at the house of Nathaniel Edmonds being the sign of the Kingshead at Dorking~~ and shall adjourn themselves, and afterwards meet ~~there, or at any other Place near the said Roads, as the said Trustees, or any~~ or more of them, shall think proper and convenient, as often as it shall be necessary for putting this Act in Execution; and if there shall not appear, at any such Meeting, a sufficient Number of Trustees to act, and to adjourn to another Day, the Clerk or Clerks to the said Trustees shall and may, by publick Notice, in Writing, to be fixed at all the Turnpikes, at least ~~fourteen~~ Days before the next Meeting, appoint the said Trustees to meet at the House where the last Meeting was appointed to be held, or at some other convenient House in ~~or near the said Roads~~; and the said Trustees, at their First and every subsequent Meeting, shall defray their own Expences.

To choose new
Trustees on
Death.

And, for continuing a sufficient Number of Trustees, for putting this Act in Execution, during the Continuance thereof, Be it further Enacted, by the Authority aforesaid, That when and as often as any Trustee or Trustees shall die, or refuse to act, it shall and may be lawful for the surviving Trustees, or any ~~seven~~ or more of them, by any Writing or Writings, under their Hands and Seals, from time to time, and at all times hereafter, during the Term aforesaid, at such Meetings to be held as aforesaid, to nominate or appoint One or more fit Person or Persons, qualified as aforesaid, in the room of such Trustee or Trustees so deceased, or refusing to act; Notice of the Time and Place of Meeting, for the Election of all and every such Trustee or Trustees, being affixed, in Writing, at all the Toll-gates or Turnpikes, to be erected by virtue of this Act, at least ~~fourteen~~ Days before the Meeting for such Election; and all and every such Person and Persons as shall, from time to time, be chosen and appointed, is and are hereby impowered to act, to all Intents and Purposes, in as full and ample manner as the said Trustees, nominated in this Act, are impowered to act.

Power to lett the
Tolls.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees hereby appointed to put this Act in Execution, or any ~~seven~~ or more of them, from time to time, by Writing under their Hands and Seals (without any Stamp thereupon), to assign, lease, demise, lett, farm, or set out, the Tolls by this Act granted, or any Part of such Tolls, to any Person or Persons who shall be willing to take or farm the same, from Year to Year, or for any Part of the said Term hereby granted not exceeding ~~three years~~ upon Twenty Days Notice, in Writing, to be affixed on all the Turnpike-gates to be erected by this Act, and upon publick Bidding, to the highest Bidder, and for the best Price such Trustees can get for such Tolls, or any Part thereof, payable at such Times, and under such Covenants, as they the said Trustees, or any ~~seven~~ or more of them, shall think fit, and to be paid to the said Trustees, or any ~~five~~ or more of them, or to

to such Person or Persons as they, or any *five* or more of them, shall appoint to receive the same; which Money, so to be paid, shall be applied and disposed of for repainging the said Road, and the other Purposes herein mentioned, and to no other Use or Purpose whatsoever.

Provided always, and it is hereby Enacted and Declared, by the Authority aforesaid, That the said Trustees, or any *seven* or more of them, shall, and they are hereby impowered, under their Hands and Seals (without any Stamp Duty thereupon), to contract with any Person or Persons for the repairing, attending, and widening the said Roads, or any Part thereof; and also for the erecting or setting up Mile-Stones or Posts in, upon, or on the Sides of the said Roads, or any Part thereof, in such Manner, and for such Sum or Sums of Money, as shall be agreed upon by and between the said Trustees, or any *seven* or more of them, and such Person or Persons, so contracting with the said Trustees, or any *seven* or more of them.

And to contract for repairing the Road.

Provided always, That no Gate or Turnpike to be erected or set up in, cross, or on the Side of the aforesaid Roads, as by this Act is directed, shall be taken down or removed, or any other new Gate or Turnpike shall hereafter be erected or set up in, cross, or on the Side of any Part of the said Roads, except by Order of the Trustees, or any *seven* or more of them, at a Meeting for that Purpose to be appointed, whereof *fourteen* Days Notice shall be given, in Writing, by the Clerk of the said Roads wherein such Turnpike shall be taken down or removed, to be fixed on all the Turnpike-Gates to be erected on the said Roads by virtue of this Act.

Provided always, and be it further Enacted, That no Person or Persons keeping a publick House, or retailing or selling any Liquors, or spirituous Liquors, shall be capable of acting as Collector or Collectors of the Tolls and Duties to be collected by virtue of this Act.

No Collector to sell Liquors.

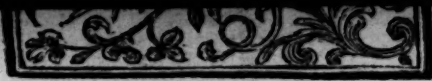
And be it further Enacted, by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any thing to be done in pursuance of this Act, every such Action or Suit shall be brought within *three* Months next after the Fact committed, and not afterwards; and shall be laid and brought in the County in which the Cause or Causes of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue Not Guilty, and give this Act, and the special Matter, in Evidence at any Tryal to be had thereupon; and that the same was done in Pursuance of, and by the Authority of, this Act: And if the same shall appear so to be done, or that such Action or Suit shall be brought in any other County, Place, or Places, that then the Jury shall find for the Defendant or Defendants: And upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuited, or discontinue his Action, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover *Troble* Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any Case by Law.

Limitation of Actions.

General Issue.

And be it further Enacted, by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be, a Publick Act; and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

Publick Act.



A f t h r i



*pairing the Road leading from
Horsham, in the County of Suffex,
through Capel, Dorking, Mickle-
ham, and Leatherhead, to the
Watch-house in Ebbisham, in the
County of Surry; and from Capel
to Stone-Street, in the Parish of
Ockley, in the said County of
Surry.*

V

*Examined with
the Record*

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